

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

STATEWIDE ORGANIZING FOR)	
COMMUNITY EMPOWERMENT, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:14-CV-278-PLR-CCS
)	
S&H MINING,)	
)	
Defendant.)	
)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

The Scheduling Order in this case states that discovery disputes are to be resolved, as follows:

- (1) Parties shall first meet and/or confer in an attempt to resolve disputes between themselves, without judicial intervention;
- (2) If the parties are unable to resolve such disputes informally, they shall attempt to resolve their disagreement by conference with the Magistrate Judge assigned to this case, which conference shall be by telephone or in court, at the discretion of the Magistrate Judge, who also shall have the discretion to make findings and enter an order on the dispute; and
- (3) If, and only if, the parties' dispute is unresolved following the conference with the Magistrate Judge, the parties may file appropriate written motions with the Court, which may be referred to the Magistrate Judge. Any written motions regarding discovery shall include a certification of compliance with steps one (1) and two (2) above as well as the written certification required by Rule 37(a)(1), if applicable.

[Doc. 11 at 4].

On February 3, 2015, the Plaintiff filed a Motion to Compel Discovery [Doc. 16], without completing the three steps mandated by the District Judge in the Scheduling Order. Specifically, the Plaintiff has failed to contact the chamber of the undersigned to conduct a telephone conference on this matter.

Based upon this failure to comply with the Scheduling Order, the Court finds that the Motion to Compel Discovery [**Doc. 16**] is premature, and it is **DENIED WITHOUT PREJUDICE**. The Plaintiff may contact the chambers of the undersigned on or before **February 13, 2015**, to schedule a telephone conference on this issue.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge